

Sumter City-County Board of Appeals

July 14, 2010

BOA-10-14, 1605 Camden Hwy (County)

I. THE REQUEST

Applicant: Michael Jones

Status of the Applicant: Property Owner

Request: A variance from the number of accessory structures permitted on a residential parcel, per Article 4, Section 4.g.2.3, Accessory buildings and uses.

Location: 1605 Camden Hwy.

Present Use/Zoning: Residence

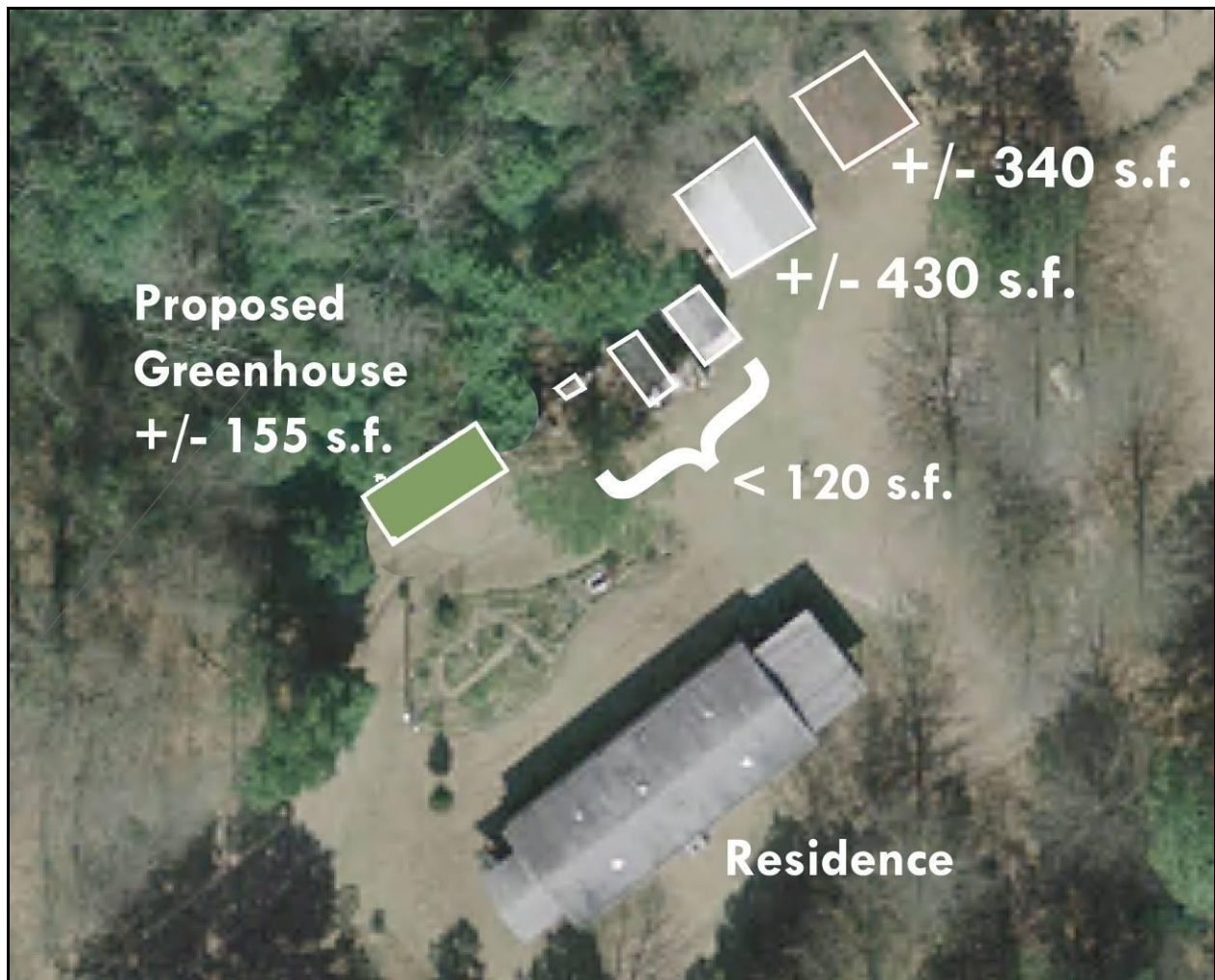
Tax Map Reference: 202-00-03-016

II. BACKGROUND

The applicant is proposing to add an approximately 9' x 18' greenhouse to his property at 1605 Camden Highway. At this time, a greenhouse is considered an accessory structure in the ordinance. Therefore, this request is for a variance to place an additional accessory structure on the parcel. The Sumter County Zoning Ordinance states that no residential parcel shall have more than two accessory structures. Buildings 120 square feet in size or smaller are not counted as accessory structures, but shall be limited to two per parcel. The ordinance also specifies in Article 4, section G, Exhibit 8A that a parcel of this size may have up to 1,850 square feet of accessory structure on the property. The parcel in question has several existing accessory structures on it at present, and the property is +/- 3.6 acres in size. Please see the graphics below for description:



Left: location of existing accessory structures on parcel. See closeup, below, for detailed explanation of existing conditions on the site.



Above: A close-up of the existing accessory structures on the parcel, along with the placement of the proposed greenhouse.

Sumter County Zoning Ordinance, Article 4.g.2.a.3, Residential Accessory Structures:

Residential accessory structures shall comply with the following conditions and exceptions:

Any accessory building 120 sq. ft. in size or smaller (i.e. play houses, well pump houses, and other similar uses) will not be counted as accessory structures however, they must comply with accessory structure 5 ft. minimum setbacks and shall be limited to two (2) per parcel.

EXHIBIT 8A

Maximum square footage of residential accessory structures based on gross acreage

Acreage	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
**<0.5	See note 1									
0.5	1100	1120	1140	1160	1180	-	-	-	-	-
1.0	1200	1225	1250	1275	1300	1325	1350	1375	1400	1425
2.0	1450	1475	1500	1525	1550	1575	1600	1625	1650	1675
3.0	1700	1725	1750	1775	1800	1825	1850	1875	1900	1925
4.0	1950	1975	2000	2025	2050	2075	2100	2125	2150	2175

The ordinance specifies a maximum combined area of 1850 square feet for parcels 3.6 acres in size (see Exhibit 8A, on the previous page). By this specification, the two larger accessory structures on the parcel leave room for addition, because their combined square footage is only 770 square feet. On a residential piece of property, there cannot be more than a total of four accessory structures according to the Zoning Ordinance: No more than two structures 120 square feet in size or larger, and no more than two smaller than this size. This parcel is non-conforming because it already contains five structures: two that are larger than 120 square feet in size, and three that are smaller.

Mr. Jones submitted a letter with his application stating that the existing accessory structures are not visible from the main road. This is basically true, as is shown in the picture below:



Above: View from Camden Highway of the property. The house is barely visible through the trees, and the accessory structures are placed to the left side of the house, along the edge of the woods.



Above Left: The existing accessory structures on the property.



Above Right: Location of proposed greenhouse, on the left-hand side of this photo.

Below: A sketch of the proposed greenhouse.



III. FOUR-PART TEST

- 1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property.***

There are no extraordinary and exceptional conditions pertaining to this particular piece of property. The parcel is already non-conforming due to the number of existing accessory structures.

- 2. *These conditions do not generally apply to other property in the vicinity.***

The adjacent residential parcels all appear to be of similar size to this property. Therefore, they would have similar requirements as to the size of accessory structures. The number of accessory structures on any residential parcel cannot exceed 4 in total, with two being larger than 120 square feet in size, and two being smaller.

- 3. *Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.***

Application of the ordinance does not limit the utilization of this property. The property owner has several options available to him without granting of a variance. For example, he could remove one or more of the existing accessory structures, or situate them in such a way that they would be perceived as a single structure.

- 4. *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.***

The authorization of a variance will set the precedent for residential parcels to have six accessory structures located on them. This would create an unsightly, visually cluttered landscape if allowed on a large scale.

IV. STAFF RECOMMENDATION

Staff recommends denial of BOA-10-14. The applicant has several options available to him for altering his site that will accommodate the addition of the greenhouse without necessitating a variance.

V. DRAFT MOTIONS for BOA-10-14

- A.** I move that the Zoning Board of Appeals deny BOA-10-14, subject to the findings of fact and conclusions attached as Exhibit I.
- B.** I move that the Zoning Board of Appeals approve BOA-10-14 subject to the following findings of fact and conclusions.
- C.** I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-14.

VI. ZONING BOARD OF APPEALS – July 14, 2010

The Sumter City-County zoning Board of Appeals at its meeting on July 14, 2010 voted to defer this request until the technical details regarding the connection of the two buildings can be worked out between the applicant and staff. The applicant agreed to attach the two larger accessory structures by means of a shared roof or breezeway.

VII. August 10, 2010

The Zoning Board of Appeals application was withdrawn by the applicant, Michael Jones.

Exhibit 1
Order on Variance Application
Sumter Board of Appeals

BOA-10-14, Michael Jones
1605 Camden Hwy.
July 14, 2010

Date Filed: July 14, 2010

Permit Case No. BOA-10-14

The Sumter Board of Appeals held a public hearing on Wednesday, July 14, 2010 to consider the appeal of Michael Jones, 1605 Camden Hwy, Sumter, SC 29153 for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the Applicant ☐ **has** - ☒ **does not have** an unnecessary hardship because there are extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

There are no extraordinary and exceptional conditions pertaining to this particular piece of property. The parcel is already non-conforming due to the number of existing accessory structures.

2. The Board concludes that these conditions ☒ **do** - ☐ **do not** generally apply to other property in the vicinity based on the following findings of fact:

The adjacent residential parcels all appear to be of similar size to this property. Therefore, they would have similar requirements as to the size of accessory structures. The number of accessory structures on any residential parcel cannot exceed 4 in total, with two being larger than 120 square feet in size, and two being smaller.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☐ **would** - ☒ **would not** effectively prohibit or unreasonable restrict the utilization of the property based on the following findings of fact:

Application of the ordinance does not limit the utilization of this property. The property owner has several options available to him without granting of a variance.

For example, he could remove one or more of the existing accessory structures, or situate them in such a way that they would be perceived as a single structure.

4. The Board concludes that authorization of the variance ☒ **will** – ☐ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☒ **will** - ☐ **will not** be harmed by the granting of the variance based on the following findings of fact:

The authorization of a variance will set the precedent for residential parcels to have many accessory structures located on them. This would create an unsightly, visually cluttered landscape if allowed on a large scale.

THE BOARD, THEREFORE, ORDERS that the variance is ☒ **DENIED** – ☐ **GRANTED**, **subject to the following conditions:**

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.